

The Honorable James L. Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BOMBARDIER INC.,)
Plaintiff,)
v.)
MITSUBISHI AIRCRAFT CORPORATION,)
MITSUBISHI AIRCRAFT CORPORATION)
AMERICA, INC.; AEROSPACE TESTING)
ENGINEERING & CERTIFICATION, INC.;)
MICHEL KORWIN-SZYMANOWSKI;)
LAURUS BASSON; MARC-ANTOINE)
DELARCHE; CINDY DORNÉVAL; KEITH)
AYRE; and JOHN AND/OR JANE DOES 1-88,))
Defendants.)
)

NO. 2:18-cv-1543-JLR

AEROTEC DEFENDANT
IN SUPPORT OF MOTION
CLARIFICATION OF
ORDER ON MOTION

NOTED ON MOTION
May 17, 2019

Aerospace Testing Engineering & Certification, Inc. (“AeroTEC”), Michel Korwin-Szymanowski, Laurus Basson, and Cindy Dornéval (collectively, the “AeroTEC Defendants”) respectfully submit this reply in support of their Motion for Clarification, Dkt. # 140 (the “Clarification Motion”).

In opposing the Clarification Motion, Plaintiff Bombardier Inc. (“Plaintiff”) does not dispute the fact that the four statements at issue in the Court’s Order on Motion to Dismiss, Dkt. # 136 (the “Order”), literally read as findings and conclusions that the AeroTEC Defendants

REPLY RE CLARIFICATION MOTION - 1
NO. 2:18-cv-1543-JLR
#1247226 v1 / 45898-028

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1 misappropriated trade secrets. Nor does Plaintiff dispute that such findings and conclusions cannot
2 be made under the legal standards applicable to motions to dismiss under Fed. R. Civ. P. 12(b)(6).
3

4 Plaintiff has identified no prejudice that would result from granting the Clarification
5 Motion. The fact that Plaintiff opposes clarification demonstrates its belief that the four statements
6 at issue are advantageous, at least optically, to Plaintiff. The allegations in this case are being
7 monitored in the aerospace industry and of themselves have tarnished the reputations of the
8 AeroTEC Defendants amongst their peers. It is important to them that this Court make clear that
9 its Order has made no determinations of any wrongdoing or liability. The AeroTEC Defendants
10 therefore ask this Court to grant the Motion.

11
12 Dated this 17th day of May, 2019.

13
14 KARR TUTTLE CAMPBELL
15 *Attorneys for Defendants AeroTEC, Basson,
Dornéval and Korwin-Szymanowski*

16 s/ Richard J. Omata
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CERTIFICATE OF SERVICE

I, Sherelyn Anderson, affirm and state that I am employed by Karr Tuttle Campbell in King County, in the State of Washington. I am over the age of 18 and not a party to the within action. My business address is: 701 Fifth Avenue, Suite 3300, Seattle, WA 98101. On this day, I electronically filed the foregoing Reply in Support of Motion for Clarification with the Clerk of the Court and caused it to be served upon the below counsel of record using the CM/ECF system.

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*Attorneys for Mitsubishi Aircraft Corporation and
Mitsubishi Aircraft Corporation America, Inc.*

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct, to the best of my knowledge. Dated this 17th day of May, 2019, at Seattle, Washington.

s/ Sherelyn Anderson
Sherelyn Anderson
Litigation Legal Assistant

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